

United States Senate

WASHINGTON, DC 20510

May 20, 2016

Secretary of State John F. Kerry
US Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry,

The United States is in the midst of a deadly prescription opioid and heroin epidemic. Recent news reports and law enforcement investigations indicate that the rising number of opioid overdoses is partly attributable to Chinese-made fentanyl and fentanyl analogues that are being surreptitiously added to heroin and counterfeit prescription opioid pills. Pursuant to Section 489 of the Foreign Assistance Act of 1961, as amended, which directs the President to engage foreign partners in international counternarcotic efforts, I urge you to apply additional pressure on the Chinese government to update its scheduling protocols for controlled substances to immediately stop the export of illicit fentanyl and dangerous analogues, such as W-18, as well as pill press machines¹.

Domestically, federal law enforcement has taken steps to stop the rising trend of fentanyl-related overdoses. In March 2015, the Drug Enforcement Administration (DEA) issued a nationwide warning² about the emerging prevalence of fentanyl in counterfeit opioids and heroin. Shortly thereafter, the DEA used its emergency powers to place acetyl fentanyl on the list of banned controlled substances.³

But U.S. efforts can only go so far. We need international cooperation, especially from China. The State Department annual narcotics report noted that China remains a “major producer and exporter of new psychoactive substances,” due in part to the country’s “regulatory loopholes” that “provide an ideal environment for the production and export of these drugs.”⁴

Despite some efforts by the government of China to prohibit the export of synthetic fentanyl, this drug and other illicit substances such as “bath salts” continue to enter the United States, both

¹ VICE, *Everything We Know So Far About W-18, the Drug That’s 100 Times More Powerful Than Fentanyl*, February 1, 2016, http://www.vice.com/en_ca/read/everything-we-know-so-far-about-w-18-the-drug-thats-100-times-more-powerful-than-fentanyl

² Drug Enforcement Agency, *DEA Issues Nationwide Alert on Fentanyl as Threat to Health and Public Safety*, March 18, 2015, <http://www.dea.gov/divisions/hq/2015/hq031815.shtml>

³ Drug Enforcement Administration, *Schedules of Controlled Substances: Temporary Placement of Acetyl Fentanyl Into Schedule I*, July 17, 2015, https://www.federalregister.gov/articles/2015/07/17/2015-17563/schedules-of-controlled-substances-temporary-placement-of-acetyl-fentanyl-into-schedule-i?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov#h-9

⁴ US Department of State, *2016 International Narcotics Control Strategy Report*, (Accessed: April 25, 2016), <http://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253251.htm>

directly and via the Mexican drug cartels. Chinese manufacturers have also begun exporting a new domestically-unregulated yet equally lethal fentanyl look-alike known as furanyl fentanyl⁵, thus underscoring the urgent need for international action.

The State Department must take additional steps to engage the Chinese in high-level discussions on this issue. Those steps should include encouraging the Chinese to update their emergency scheduling system for controlled substances, increase Chinese regulatory controls on drug variants and precursor chemicals, and adopt export protocols that block the sale of pill presses and illegal synthetic opioid analogues, which end up in the United States.

At a special session of the UN General Assembly convened in April, countries agreed to an outcome document called “Our Joint Commitment to Effectively Addressing and Countering the World Drug Problem.” That document urged countries to “consider the use of interim steps while substances are under review, such as provisional measures of control...”⁶ Additional actions at the UN may be necessary, including broadly worded language adding synthetic opioid analogues and variants to the UN Drug Convention tables.

If successful, these efforts will help to reduce the lethality of the heroin epidemic. For many, addiction is a chronic disease where multiple relapses are common. That is why it is important to reduce the harm posed by illicit substances when possible. Limiting the introduction of synthetic fentanyl and related analogues will save lives and give those battling addiction another opportunity to achieve recovery.

Thank you in advance for your attention to this matter. I stand ready to answer any questions you may have and assist in any way that I can as Congress continues its work on addressing this important issue.

Sincerely,



Pat Toomey
U.S. Senator

⁵ STAT News, *Chinese labs modify deadly fentanyl to circumvent ban on sales to US*, April 26, 2016, <https://www.statnews.com/2016/04/26/chinese-sell-modified-fentanyl/>

⁶ Draft resolution submitted by the President of the General Assembly, Apr. 14, 2016. http://www.un.org/ga/search/view_doc.asp?symbol=A/S-30/L.1